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|-----|--|---|--|
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| 5   | Attorneys for Plaintiff and Counterdefendant iSMART INTERNATIONAL LIMITED and  |   |  |
| _   | Counterdefendant RAJ DHESIKAN  |   |  |
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| 9   | Facsimile: (650) 320-1900 Attorneys for Defendants and Counterclaimants  |   |  |
| 10  | I-DOCSECURE, LLC; E-NETSECURE SERVICES, INC., ISMART SECURE LLC and JOSEPH BAGGIO  |   |  |
| 11  |  |   |  |
| 12  | UNITED STATES DISTRICT COURT   |   |  |
| 13  | NORTHERN DISTRICT OF CALIFORNIA  |   |  |
| 14  | SAN JOSE DIVISION *E-FILED - 11/8/06*  |   |  |
| 15  | ISMART INTERNATIONAL LIMITED,  | CASE NO. C 04-03114 RMW                             |  |
| 16  | Plaintiff,   |   |  |
| 17  | Fiamuit,   | STIPULATION AND PROPOSEDA ORDER OF DISMISSAL WITH   |  |
| 18  | VS.  | PREJUDICE OF<br>COUNTERDEFENDANT ISMART             |  |
| 19  | I-DOCSECURE, LLC, a California limited liability company; E-NETSECURE SERVICES, INC., a  | INTERNATIONAL LIMITED AND DEFENDANTS I-DOCSECURE,   |  |
| 20  | California corporation; INTEGRITY DATA APPLICATIONS CONSULTING, LLC, a   | LLC, E-NETSERVICES, INC.,<br>ISMART SECURE, LLC AND |  |
| 21  | California limited liability company; ISMART   | JOSEPH BAGGIO.                                      |  |
|     | SECURE LLC, a Delaware limited liability company; JOSEPH BAGGIO, an individual;  |   |  |
| 22  | JONATHAN BALZORA, an individual,   |   |  |
| 23  | Defendants.  |   |  |
| 24  | AND RELATED COUNTER CLAIM.   |   |  |
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|     | CTINIII ATIONI AND I BELLEVINE OF DESCRIPTION OF THE STATE OF THE STAT | CASE NO. C 04-03114 RMW                             |  |
|     | Stipulation And [PROPOSED] Order Of Dismissal With<br>International Limited And Defendants i-DocSecure, LLC<br>Joseph Baggi  | C, E-NETSERVICES, INC, ISMART SECURE, LLC AND       |  |
| - 1 | WODELLI DILOGO,  |   |  |

1 **STIPULATION** 2 3 Pursuant to Federal Rule of Civil Procedure 41(a), the parties in this action stipulate that: 4 5 1. PLAINTIFF ISMART INTERNATIONAL LIMITED ("PLAINTIFF" or "ISMART") 6 through its attorneys of record hereby stipulates to dismiss with prejudice the First Amended 7 Complaint in its entirety against DEFENDANTS I-DOCSECURE, LLC, ("I-DOC") E-8 NETSERVICES, INC., ("E-NET") ISMART SECURE, LLC ("ISMART SECURE") AND JOSEPH 9 BAGGIO ("BAGGIO") (collectively, "DEFENDANTS"). 10 2. 11 PLAINTIFF through its attorneys of record also agrees to stipulate to waive all rights to pursue costs and attorneys' fees against I-DOC, E-NET, ISMART SECURE and BAGGIO. 12 13 3. 14 COUNTERCLAIMANTS I-DOCSECURE, LLC; E-NETSECURE SERVICES. INC.; ISMART SECURE, LLC; AND JOSEPH BAGGIO ("COUNTERCLAIMANTS") through 15 16 their attorneys of record hereby stipulate to dismiss with prejudice their Counterclaims in their 17 entirety against COUNTERDEFENDANT ISMART INTERNATIONAL LIMITED. ("ISMART"). 18 19 4. DEFENDANTS AND COUNTERCLAIMANTS through their attorneys of record also stipulate to waive all rights to pursue costs and attorneys' fees against ISMART. 21 22 // 23 // 24 25 26 27

| 1                | 5. This Stipulation for Dismissal shall not be filed by any party until all parties have            |  |
|------------------|---|--|
| 2                | signed the Stipulation and the Court shall not enter any Order of Dismissal if all parties have not |  |
| 3                | signed this Stipulation.  |  |
| 4                |   |  |
| 5                | SO STIPULATED.  |  |
| 6                | 21  |  |
| 7                | DATED: October 3, 2006  | SEDGWICK, DETERT, MORAN & ARNOLD, LLP                                      |
| 8                |   |  |
| 9                |   | By: CHRISTOPHER L KELDER   |
| 10               |   | Attorneys for Plaintiff and Counter-defendant ISMART INTERNATIONAL LIMITED |
| 11               | DATED: October 3/, 2006   | PAUL, HASTING, JANOFSKY & WALKER, LLP                                      |
| 12               |   |  |
| 13               |   | By: MICHAEL EDELMAN  |
| 14               |   | Defendants and Counterclaimants I-DOCSECURE,                               |
| 15               |   | LLC, E-NETSECURE SERVICES, INC., ISMART SECURE LLC and JOSEPH BAGGIO       |
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| 27<br><b>ICK</b> |   |  |

1 **ORDER** 2 The Court hereby dismisses with prejudice the First Amended Complaint in this matter in its 3 entirety against Defendants i-DocSecure, LLC, e-Netservices, Inc., iSmart Secure, LLC and Joseph 4 Baggio. The Court hereby dismisses with prejudice all of the Counterclaims in this matter in their 5 entirety against Counterdefendant iSmart International Limited. No party shall be entitled to pursue costs or attorneys' fees against Plaintiff and Counterdefendant iSmart International Limited and no 7 party shall be entitled to pursue costs or attorneys' fees against Defendants and Counterclaimants i-8 DocSecure, LLC, e-Netservices, Inc., iSmart Secure, LLC and Joseph Baggio. 9 10 IT IS SO ORDERED. 11 11/8/06 /s/ Ronald M. Whyte 12 DATED: Hon. Ronald M. Whyte 13 UNITED STATES DISTRICT JUDGE 14 15 16 17 18 19 20 21 22 23 24 25 26 27 CASE NO. C 04-03114 RMW